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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,192	05/24/2000	Ravi V. Condamoor	NH-1	5445
23933	7590	11/04/2005	EXAMINER	
STUART T AUVINEN 429 26TH AVENUE SANTA CRUZ, CA 95062-5319			SUBRAMANIAN, NARAYANSWAMY	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/578,192

Applicant(s)

CONDAMOR ET AL.

Examiner

Narayanswamy Subramanian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to Applicant's communication filed on August 16, 2005. Cancellation of claims 30-34 has been entered. Claims 1-29 are pending in this application and have been examined. The rejections and response to arguments are stated below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wellman (US Patent 6,952,682 B1).

With reference to claim 1, Wellman teaches a multi-attribute valuing system comprising: a buyer attribute-input to a computerized system for receiving a plurality of buyer delta values for a product, each buyer delta value indicating a higher or a lower true-value that the buyer places on the product when modified by an attribute associated with the buyer delta value (Wellman Column 5 line 40 – Column 6 line 24); a seller attribute-input to a computerized system for receiving a plurality of seller delta values for the product, each seller delta value indicating a higher or a lower true-value that the seller places on the product when modified by the attribute associated with the seller delta value (Wellman Column 5 line 40 – Column 6 line 24); an attribute manager, receiving the attributes and buyer delta values in a computer readable format from the buyer and the seller delta values in a computer-readable format from the seller

(inherent in the disclosure of Wellman); an attribute-tree analyzer, receiving a buyer attributes in a computer-readable format for the buyer and a seller attributes in a computer-readable format from the seller for the product, for comparing the buyer delta values with the seller delta values for a plurality of the attributes that modify the product, the attribute-tree analyzer selecting an optimal specification of the product, the optimal specification including a series of the attributes, the attributes associated with buyer delta values that adjust a true-value of the product (Wellman Column 8 line 50 – Column 13 line 15); and a product specifier, coupled to the attribute-tree analyzer, for reporting to the seller the series of the attributes for the optimal specification of the product, whereby the optimal specification of the product is determined by analyzing the buyer delta values specified by the buyer and the seller delta values that adjust the true-value of the product (Wellman Column 8 line 50 – Column 13 line 42, the market system is interpreted to include an attribute-tree analyzer and a product specifier). The step of optimal specification of the product is implied by the maximal weight matching combinations.

Wellman does not expressly teach a buyer attribute tree for the buyer and a seller attribute tree for the seller and each attribute tree specifying dependencies among the attributes of the product.

Official notice is taken that the step of representing attributes and their inter-dependencies in the form of a tree is old and well known in the art. Such a representation makes it easy to avoid mistakes caused by improper dependencies.

It would have been obvious to one of ordinary skill in the art at the time of invention to include this step to the disclosure of Wellman. The combination of the teachings suggests that mistakes caused by improper dependencies would be avoided by the combination.

With reference to claim 14, Wellman teaches a computer-program product comprising: a computer-usable medium having computer-readable program code means embodied therein for indicating differential values of products in a product family, the computer-readable program code means in the computer-program product comprising: attribute means for storing product-attributes that specify products within the product family, the products varying according to product-attributes; input means for receiving delta values from a user, the delta values representing differences in values of products in the product family, the products varying according to the product attributes, the delta values representing differences in value perceived by the user for the product specified by the product-attributes; and value attach means, coupled to the input means and to the attribute means, for attaching the delta values to the product-attributes to form a user attribute-store, whereby the user attribute-store indicates differences in values perceived by the user for products in the product family that vary in specification according to the product attributes (See discussion of claim 1 above). A computer-program product for performing the above steps is disclosed by Wellman (See Wellman Column 13 lines 43-50)

With reference to claim 25, Wellman teaches a computer-implemented method for selecting a product for sale to a trading partner comprising: receiving in a computer-readable format a selection of a base product from the trading partner; receiving a list of attributes in a computer-readable format for the base product from the trading partner; for each attribute in the list of attributes, receiving a delta value from the trading partner for the attribute, the delta value being in a computer-readable format and indicating an additional value the trading partner places on the product when the base product is modified by the attribute, the delta values being trading

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partner specified; selecting as a selected product the product modified by a subset of the attributes in the list of attributes, the subset of the attributes including attributes wherein a sum of the delta values for attributes in the subset of the attributes is a selected sum; offering the selected product to the trading partner for sale to the trading partner; whereby the product sold is selected using a selected sum of the delta values of the attributes specified by the trading partner. (See discussion of claim 1 above)

With reference to claims 2-11, 15-24 and 26-29, the features in these claims are either inherent in the disclosure of Wellman or are old and well known. These features help further refine the selection and matching process and provide an efficient means to generate a product/service that is compatible with the users' needs and preferences. If not inherent it would have been obvious to one of ordinary skill in the art to include these features to the disclosure of Wellman. The combination of disclosures would have helped the user by generating a product/service that is compatible with the users' needs and preferences.

Response to Arguments

4. Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

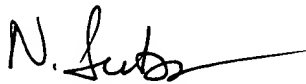
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (571) 272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, Vincent Millin can be reached at (571) 272-6747. The fax number for Formal or Official faxes and Draft to the Patent Office is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "N. Sub", with a long horizontal stroke extending to the right.

Dr. N. Subramanian
October 29, 2005